

KATHLEEN BLISS, ESQ.
Nevada Bar No. 7606
kb@kathleenblisslaw.com
KATHLEEN BLISS LAW PLLC
1070 W. Horizon Ridge Pkwy., Suite 202
Henderson, Nevada 89012
Telephone: 702.463.9074

Attorney for Jabari Marshall

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JABARI MARSHALL,

Defendant.

CASE NO. 2:19-cr-00113-JCM-BNW

**STIPULATION TO CONTINUE
SENTENCING HEARING
(First Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Kathleen Bliss, counsel for defendant Jabari Marshall ("Mr. Marshall"), and Eric Schmale, Assistant United States Attorney, that the Sentencing Hearing currently scheduled for August 13, 2021, at 10:30 a.m., be VACATED and reset to a later time convenient for the Court, on or after August 30, 2021. This stipulation is made and based upon the following:

1. The parties agree to this continuance.
2. In the instant case, an indictment was filed on May 8, 2019 (ECF 1). Mr. Marshall was charged with Conspiracy to Present False Claims (18 U.S.C. § 286)); False, Fictitious or Fraudulent Claims (18 U.S.C. § 287); Theft of Government Money (18 U.S.C. § 641); Conspiracy to Commit Mail and Wire Fraud (18 U.S.C. § 1349); and Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1)). Mr. Henry was charged with Conspiracy to Present

False Claims (18 U.S.C. § 286)); False, Fictitious or Fraudulent Claims (18 U.S.C. § 287); Theft of Government Money (18 U.S.C. § 641); Conspiracy to Commit Mail and Wire Fraud (18 U.S.C. § 1349); False, Fictitious, and Fraudulent Claims (18 U.S.C. § 287), and Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1)).

3. On May 7, 2021, Mr. Marshall pleaded guilty to Theft of Government Money (18 U.S.C. § 641); Aggravated Identity Theft (18 U.S.C. § 1028A(a)(1)).
4. At this time, the parties request a reasonable continuance due to a scheduling conflict with government counsel.
5. Counsel for defendant is scheduled to be in trial from August 23, 2021, through August 27, 2021, in *United States of America vs. Olson*. Case no. 2:19-cr-00154-RGB-VCF. However, a motion to continue trial is pending before this Court.
6. Counsel additionally has a sentencing hearing in *United States of America vs. Alisha Perez* Case no. 2:16-cr-00062-LRH-EJY on August 25, 2021.
7. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim.P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
8. This is the first request for a continuance of the sentencing for Mr. Marshall. The additional time requested herein is not sought for purposes of delay. No further continuances are anticipated, Mr. Marshall does not object to this continuance.
9. Denial of this request for a continuance would deny counsel for defendant sufficient time to prepare for sentencing effectively and thoroughly, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of

1 justice.

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4 Dated this 15th day of July 2021,

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6 By:

7 /s/ Eric Schmale
8 Eric Schmale
9 Attorney for the United States of America

/s/ Kathleen Bliss
Kathleen Bliss
Attorney for Jabari Marshall

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

JABARI MARSHALL,

Defendant.

CASE NO. 2:19-cr-00113-JCM-BNW

**FINDING OF FACT, CONCLUSIONS OF
LAW AND ORDER**

FINDINGS OF FACTS

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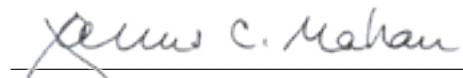
CONCLUSION OF LAW

For all the above-stated reasons, the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and sentencing, since the failure to grant a continuance would likely result in a miscarriage of justice, would deny parties sufficient time to prepare for sentencing, considering the exercise of due diligence.

ORDER

IT IS HEREBY ORDERED that the sentencing hearing for Jabari Marshall in this matter scheduled for August 13, 2021, at the hour of 10:30 a.m. is hereby vacated and continued to the 9th day of September, 2021 at the hour of 10:00 a.m.

DATED July 20, 2021.



JAMES M. MAHAN
UNITED STATES DISTRICT JUDGE